

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 16136US02)

In the Application of:

Severine Catreux-Erceg et al.

Serial No.: 10/801,930

Filed: March 16, 2004

**For: MULTI-ANTENNA
COMMUNICATIONS SYSTEMS
UTILIZING RF-BASED AND BASEBAND
SIGNAL WEIGHTING AND COMBINING**

Examiner: Sophia Vlahos

Group Art Unit: 2611

Confirmation No.: 4709

Transmitted via the Office electronic filing
system **August 12, 2010.**

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed May 27, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1434 days.

The bases under § 1.702 for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 990 days, minus 0 days consumed by an appeal, for a net adjustment of 990 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was March 16, 2004,
- the third anniversary of the actual filing date was March 16, 2007,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 30, 2009.
- the first RCE was filed 990 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Removing Overlap

- Two or more grounds of delay overlap from March 16, 2007, to May 3, 2007, totaling 48 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee
(35 USC § 154(b)(1)(B))**

| | Patent Term Adjustment (days) |
|------------------------------|--|
| USPTO Calculation | 0 |
| Applicant Calculation | 990 |

Reductions in Patent Term Adjustment

- **Removing Overlap**

| | Patent Term Adjustment (days) |
|------------------------------|--|
| USPTO Calculation | 0 |
| Applicant Calculation | 48 |

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO

Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1434 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 12, 2010

By: /Michael T. Cruz/
Michael T. Cruz
Reg. No. 44,636
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000

| Patent Term Adjustments | | | |
|---|------------|--------------------------------------|-----|
| Patent Term Adjustment (PTA) for Application Number: 10/801,930 | | | |
| Filing or 371(c) Date: | 03-16-2004 | USPTO Delay (PTO) Delay (days): | - |
| Issue Date of Patent: | - | Three Years: | - |
| Pre-Issue Petitions (days): | - | Applicant Delay (APPL) Delay (days): | - |
| Post-Issue Petitions (days): | - | Total PTA (days): | 492 |
| USPTO Adjustment(days): | - | Explanation Of Calculations | |

| Patent Term Adjustment History | | | |
|--------------------------------|---|-----------|------------|
| Date | Contents Description | PTO(Days) | APPL(Days) |
| 05-27-2010 | Mail Notice of Allowance | | |
| 05-20-2010 | Document Verification | | |
| 05-20-2010 | Notice of Allowance Data Verification Completed | | |
| 03-16-2010 | Date Forwarded to Examiner | | |
| 02-23-2010 | Response after Non-Final Action | | |
| 12-28-2009 | Mail Non-Final Rejection | | |
| 12-22-2009 | Non-Final Rejection | | |
| 12-02-2009 | Date Forwarded to Examiner | | |
| 12-02-2009 | Disposal for a RCE / CPA / R129 | | |
| 11-30-2009 | Request for Extension of Time - Granted | | |
| 11-30-2009 | Workflow - Request for RCE - Begin | | |
| 07-30-2009 | Notice of Appeal Filed | | 3 |
| 07-21-2009 | Mail Advisory Action (PTOL - 303) | | ⌘ |
| 07-20-2009 | Advisory Action (PTOL-303) | | ⌘ |
| 07-02-2009 | Date Forwarded to Examiner | | ⌘ |
| 06-29-2009 | Amendment after Final Rejection | | ⌘ |
| 04-27-2009 | Mail Final Rejection (PTOL - 326) | | ⌘ |
| 04-24-2009 | Final Rejection | | |
| 03-17-2009 | Date Forwarded to Examiner | | |
| 02-17-2009 | Response after Non-Final Action | | 64 |
| 02-17-2009 | Request for Extension of Time - Granted | | ⌘ |
| 09-15-2008 | Mail Non-Final Rejection | | ⌘ |
| 09-12-2008 | Non-Final Rejection | | |
| 06-20-2008 | New or Additional Drawing Filed | | |
| 07-18-2008 | Date Forwarded to Examiner | | |
| 06-20-2008 | Response after Non-Final Action | | 31 |
| 06-20-2008 | Request for Extension of Time - Granted | | ⌘ |
| 02-20-2008 | Mail Non-Final Rejection | | ⌘ |
| 02-19-2008 | Non-Final Rejection | | |
| 11-28-2007 | Date Forwarded to Examiner | | |
| 11-14-2007 | Response after Non-Final Action | | 61 |
| 11-14-2007 | Request for Extension of Time - Granted | | ⌘ |
| 07-30-2007 | Case Docketed to Examiner in GAU | | ⌘ |
| 06-14-2007 | Mail Non-Final Rejection | | ⌘ |
| 06-11-2007 | Non-Final Rejection | | |
| 03-14-2005 | Information Disclosure Statement considered | | |
| 06-06-2007 | Date Forwarded to Examiner | | |
| 06-01-2007 | Response to Election / Restriction Filed | | |

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|------------|--|-----|----|
| 05-03-2007 | Mail Restriction Requirement | 717 | |
| 04-30-2007 | Requirement for Restriction / Election | | ✂ |
| 03-29-2007 | Case Docketed to Examiner in GAU | | ✂ |
| 03-23-2006 | Case Docketed to Examiner in GAU | | ✂ |
| 03-21-2006 | Case Docketed to Examiner in GAU | | ✂ |
| 01-25-2006 | Case Docketed to Examiner in GAU | | ✂ |
| 01-18-2006 | IFW TSS Processing by Tech Center Complete | | ✂ |
| 01-18-2006 | Case Docketed to Examiner in GAU | | ✂ |
| 10-21-2005 | Miscellaneous Incoming Letter | | ✂ |
| 03-14-2005 | Reference capture on IDS | | ✂ |
| 03-14-2005 | Information Disclosure Statement (IDS) Filed | | ✂ |
| 03-14-2005 | Information Disclosure Statement (IDS) Filed | | ✂ |
| 11-01-2005 | Application Return from OIPE | | ✂ |
| 11-01-2005 | Application Is Now Complete | | ✂ |
| 10-26-2005 | Correspondence Address Change | | ✂ |
| 10-26-2005 | Change in Power of Attorney (May Include Associate POA) | | ✂ |
| 10-26-2005 | Correspondence Address Change | | ✂ |
| 10-26-2005 | Application Return TO OIPE | | ✂ |
| 10-26-2005 | Application Dispatched from OIPE | | ✂ |
| 10-26-2005 | Application Is Now Complete | | ✂ |
| 11-08-2004 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | | 66 |
| 06-03-2004 | Notice Mailed--Application Incomplete--Filing Date Assigned | | ✂ |
| 04-13-2004 | Cleared by OIPE CSR | | |
| 03-25-2004 | IFW Scan & PACR Auto Security Review | | |
| 03-16-2004 | Initial Exam Team nn | | |

Close Window

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.

10/801,930

Docket No. 16136US02

| DATE | EVENT | PTO Calculation | | Applicant Calculation | |
|------------------------------|---|-----------------|-------------|-----------------------|-------------|
| | | PTO Delay | Appl. Delay | PTO Delay | Appl. Delay |
| Tuesday, December 07, 2010 | Projected issue date | | | | |
| Thursday, May 27, 2010 | Mail Notice of Allowance | | | | |
| Thursday, May 20, 2010 | Document Verification | | | | |
| Thursday, May 20, 2010 | Notice of Allowance Data Verification Completed | | | | |
| Tuesday, March 16, 2010 | Date Forwarded to Examiner | | | | |
| | Response after Non-Final Action | | | | |
| Tuesday, February 23, 2010 | Mail Non-Final Rejection | | | | |
| Monday, December 28, 2009 | Non-Final Rejection | | | | |
| Tuesday, December 22, 2009 | Date Forwarded to Examiner | | | | |
| Wednesday, December 02, 2009 | Disposal for a RCE / CPA / R129 | | | | |
| Wednesday, December 02, 2009 | Request for Extension of Time - Granted | | | | |
| Monday, November 30, 2009 | Workflow - Request for RCE - Begin | | | | |
| Monday, November 30, 2009 | Notice of Appeal Filed | | 3 | 990.00 | 3.00 |
| Thursday, July 30, 2009 | Three months after Office action | | | | |
| Monday, July 27, 2009 | Mail Advisory Action (PTOL - 303) | | | | |
| Tuesday, July 21, 2009 | Advisory Action (PTOL-303) | | | | |
| Monday, July 20, 2009 | Date Forwarded to Examiner | | | | |
| Thursday, July 02, 2009 | | | | | |

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| Monday, June 29, 2009 | Amendment after Final Rejection | | \$ |
| Monday, April 27, 2009 | Mail Final Rejection (PTOL - 326) | | \$ |
| Friday, April 24, 2009 | Final Rejection | | |
| Tuesday, March 17, 2009 | Date Forwarded to Examiner | | |
| Tuesday, February 17, 2009 | Response after Non-Final Action | | 64 |
| Tuesday, February 17, 2009 | Request for Extension of Time - Granted | | |
| Monday, December 15, 2008 | Three months after Office action | | |
| Monday, September 15, 2008 | Mail Non-Final Rejection | | \$ |
| Friday, September 12, 2008 | Non-Final Rejection | | |
| Friday, July 18, 2008 | Date Forwarded to Examiner | | |
| Friday, June 20, 2008 | New or Additional Drawing Filed | | |
| Friday, June 20, 2008 | Response after Non-Final Action | | 31 |
| Friday, June 20, 2008 | Request for Extension of Time - Granted | | |
| Tuesday, May 20, 2008 | Three months after Office action | | |
| Wednesday, February 20, 2008 | Mail Non-Final Rejection | | \$ |
| Tuesday, February 19, 2008 | Non-Final Rejection | | |
| Wednesday, November 28, 2007 | Date Forwarded to Examiner | | |
| Wednesday, November 14, 2007 | Response after Non-Final Action | | 61 |
| Wednesday, November 14, 2007 | Request for Extension of Time - Granted | | |

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| Wednesday, October 26, 2005 | Change in Power of Attorney (May Include Associate POA) | | |
| Wednesday, October 26, 2005 | Correspondence Address Change | | |
| Wednesday, October 26, 2005 | Application Return TO OIPE | | |
| Wednesday, October 26, 2005 | Application Dispatched from OIPE | | |
| Wednesday, October 26, 2005 | Application Is Now Complete | | |
| Friday, October 21, 2005 | Miscellaneous Incoming Letter | | |
| Monday, May 16, 2005 | 14 month date | | |
| Monday, March 14, 2005 | Information Disclosure Statement considered | | |
| Monday, March 14, 2005 | Reference capture on | | |
| Monday, March 14, 2005 | Information Disclosure Statement (IDS) Filed | | |
| Monday, March 14, 2005 | Information Disclosure Statement (IDS) Filed | | |
| Monday, November 08, 2004 | A statement by one of more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | | 66 |
| Friday, September 03, 2004 | Three months after Notice of Incomplete | | |
| Thursday, June 03, 2004 | Notice Mailed-- | | |
| Tuesday, April 13, 2004 | Application Incomplete-- Filing Date Assigned | | |
| | Cleared by OIPE CSR | | |

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